



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS TEXAS 75202-2733

**NOV 30 2005**

CERTIFIED MAIL # P 7003 0500 0003 0874 8445  
RETURN RECEIPT REQUESTED

**Formosa Plastics  
ATTN: Facility Manager  
101 Formosa Dr.  
Point Comfort, Texas 77978**

Information Request Pursuant to Section 104 of the  
Comprehensive Environmental Response, Compensation,  
and Liability Act of 1980, as amended (CERCLA)

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent, and nature of the release or threatened release of hazardous substances, pollutants or contaminants from your facility or vessel (Respondent). This investigation requires inquiry into the nature or extent of releases or threatened releases of hazardous substances, pollutants, or contaminants at or from the facility or vessel, on or about **October 24, 2005**, involving **chlorine**. (See attachment)

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, you are requested to respond to the enclosed questions. Failure to respond fully and truthfully to the Request within twenty (20) days of receipt of this letter, or to justify such failure to respond, can result in action by EPA pursuant to Section 104(e) of CERCLA. This statute permits EPA to seek the imposition of penalties of up to twenty-seven, five hundred dollars (\$27,500.00) for each day of continued non-compliance. This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

Your response to this Request should be mailed to:

**Ms. Misty Ward  
U.S. EPA Region 6, Response and Prevention Branch (6SF-RC)  
1445 Ross Avenue  
Dallas, Texas 75202**

EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct any questions to Misty Ward, Compliance Officer, at (214)665-6418.

Thank you for your cooperation in this matter.

Sincerely yours,

Samuel Coleman, P.E.  
Director, Superfund Division

9128555



## INFORMATION REQUEST

### **INSTRUCTIONS**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede any answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. § 9604(e)(7)(E) and (F), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in statutes and regulations set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
6. Please provide all quantities requested in this Request in pounds.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this Request.

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term "facility" or "vessel" shall mean the facility or vessel on or about the site referenced in the address label.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
6. The term "hazardous chemical" means any hazardous chemical as defined under 29 C.F.R. § 1910.1200(c).
7. The term "reportable quantity" means, for any CERCLA hazardous substance, the reportable quantity established in Table 302.4 of 40 C.F.R. Part 302, for these substances.
8. Any terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 40 CFR § 300, in which case the statutory or regulatory definitions shall apply.

## QUESTIONS

1. What is the legal name and address of Respondent?
2. What is the business of Respondent? Please include your facility's primary Standard Industrial Classification (SIC) Code.
3. Describe the release or threatened release that occurred to the environment, including but not limited to:
  - (a). Date on which such release occurred (include time of release);
  - (b). Name and title of the first person who initially discovered the release, date and time of the discovery; and state the name and title of each employee and manager notified of the release and the date and time of such notification;
  - (c). How the release occurred;
  - (d). What hazardous substances were released;
  - (e). State amount/quantity of each hazardous/extremely hazardous substances released;
  - (f). Where the release occurred;
  - (g). Description of any and all activities undertaken in response to the release or threatened release;
  - (h). Each medium affected by the release (air, water, land, facility only);
  - (i). List of agencies notified of the release (date, time, name of agency, name and title of person making the report), and copies of initial reports and follow-up reports to all State, local, and Federal agencies;
  - (j). Duration of release;
  - (k). Amount of any substance that carried off the facility, or out of the vessel, and method of that determination;
  - (l). Any Federal or State permits under which the release may have been covered. Cite the permits and permitted levels of emissions and provide copies of these permits; and

- (m). Any continuous release reports for CERCLA §103(f) under which the release may have been covered and provide copies of these reports.
- 4 (a). If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- (b). For each and every Question contained herein, if information or documents responsive to this Request are not in your possession, custody or control, identify the persons from whom such information or documents may be obtained.

At the bottom of your Response, please include the following certification:

**CERTIFICATION:**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through \_\_\_\_\_, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

\_\_\_\_\_  
Name and official title of owner/operator

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date signed